

### **REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-21 in the application. In a previous response, the Applicants amended Claims 1, 3, 7, 11, 18 and 21. In the present response, the Applicants have not amended, canceled or added any claims. Accordingly, Claims 1-21 are currently pending in the application.

#### **I. Rejection of Claims 1-6, 8, 11, 12, 14-18 and 21 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-6, 8, 11, 12, 14-18 and 21 under 35 U.S.C. §103(a) as being unpatentable over Ogasawara (U.S. Patent #6,512,919) in view of Simon (U.S. Patent #6,974,078). The Applicants respectfully disagree.

The present invention is directed to using a mobile telephone to retrieve information about an article. The claimed invention of independent Claims 1 and 11 includes interpreting an image to identify an article and supplying information about the article to a mobile telephone based thereon, wherein the information is from multiple distributors of the article. The cited combination of Ogasawara and Simon does not teach or suggest supplying information about an article from multiple distributors of the article **based on interpreting an image** to identify the article.

The Examiner recognizes that Ogasawara does not address searching more than one database from two different distributors. (*See Examiner's Final Rejection*, page 4.) To cure this deficiency, the Examiner cites Simon. Simon relates to using personal communications, such as cellular phones, capable of obtaining product-related information over the Internet from one or more

remote databases. (See column 1, lines 8-15.) Simon discloses an information retrieval and communication system 1 that includes a personal communication device 10 in communication with a communications server 30 over communication link 20. (See column 2, lines 48-53, and Figure 1.) Server 30 is communicably coupled to one or more databases 32 over one or more network connections. (See column 3, lines 11-12.)

The information retrieval and communication system 1 of Simon, however, does not supply information about the product to the personal communication device 10 from the various databases **based on interpreting an image** of the product. On the contrary, as recognized by the Examiner, Simon searches various databases over the Internet for desired product-related information **in response** to a search inquiry from a user. (See column 1, lines 61-64; column 2, lines 13-21; column 3, lines 37-46 and the Examiner's Final Rejection, page 4.) Thus, instead of supplying information about the product from the multiple databases to the personal communication device 10 based on interpreting an image to identify the product, Simon requires a search inquiry before obtaining information about the product from the multiple databases and then supplying the information to the personal communication device 10. As such, Simon does not teach or suggest a database, **synchronized** with at least another database as recited in independent Claim 1. Additionally, Simon does not teach or suggest interpreting an image to identify an article and, **based thereon**, supplying information about the article from multiple databases to the mobile telephone as recited in independent Claims 1 and 11. Thus, Simon does not cure the above noted deficiency of Ogasawara.

Both Ogasawara and Simon, therefore, individually or in combination, fail to teach or suggest each element of independent Claims 1 and 11 Claims dependent thereon. As such, the cited combination does not provide a *prima facie* case of obviousness of Claims 1-6, 8, 11, 12, 14-18. Thus, Claims 1-6, 8, 11, 12, 14-18 are not obvious in view of the cited combination and the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 1-6, 8, 11, 12, 14-18 and allow issuance thereof.

Additionally, the combination of Simon with Ogasawara is improper since there is no suggestion or motivation to combine Simon with Ogasawara. Ogasawara is directed to an electronic shopping system that employs a videophone. (*See* column 2, lines 60-65.) The electronic shopping system of Ogasawara is not for obtaining information about a product from various databases over a network but instead is for facilitating purchases of a product from the store that provides the electronic shopping system to the videophone. (*See* column 3, lines 4-20; lines 21-42 and Figure 1.) In Ogasawara, employing the videophone allows retailers to implement a personal shopping system for their store while minimizing the investment cost. (*See* column 3, lines 17-20; column 3, line 67 to column 4, line 2; and Figure 1.)

On the other hand, Simon is directed to scanning information from a product, providing a search inquiry and, based thereon, searching various databases for related product information. (*See* column 1, lines 45-64.) Simon, therefore, frustrates the invention of Ogasawara since Simon promotes obtaining competitive pricing from other stores while shopping for a product in a first store. (*See* column 3, lines 47-49.) Thus, Simon teaches away from facilitating product purchases

from a particular store as in Ogasawara. As such, the cited combination is improper since one skilled in the art would not be motivated to combine Simon with Ogasawara.

Accordingly, the Examiner has not provided a *prima facie* case of obviousness of independent Claim 21. The Applicants, therefore, respectfully request the Examiner to withdraw the §103(a) rejection of Claim 21 and allow issuance thereof.

## **II. Rejection of Claims 7, 9-10, 13 and 19-20 under 35 U.S.C. §103**

The Examiner has rejected dependent Claims 7, 9-10, 13 and 19-20 under 35 U.S.C. §103(a) as being unpatentable over Ogasawara and Simon in view of the following: U.S. Patent Application No. 6,750,978 to Marggraff, *et al.*, for Claim 7; U.S. Patent Publication No. 2002/0102966 by Lev, *et al.*, for Claim 13; U.S. Patent Publication No. 2005/0017453 by Rehbein *et al.* for Claims 9 and 19; and U.S. Patent Publication 2005/0040230 by Swartz, *et al.*, in further view of Lev for Claims 10 and 20. The Applicants respectfully disagree.

As discussed above, the cited combination of Ogasawara and Simon does not teach or suggest each element of amended independent Claims 1 and 11. Neither Marggraff, Lev, Swartz nor Rehbein have been cited to cure this deficiency of Ogasawara and Simon but have been cited to teach the subject matter of the above dependent Claims. (See Examiner's Final Rejection, pages 13-21.) Thus, the cited combination of Ogasawara and Simon with either Marggraff, Lev, Swartz, Rehbein or a combination thereof, does not provide a *prima facie* case of obviousness of independent Claims 1 and 11 and Claims dependent thereon. Accordingly, the Applicants respectfully request the

Examiner to withdraw the §103(a) rejections with respect to Claims 7, 9-10, 13 and 19-20 and allow issuance thereof.


### III. Conclusion

In view of the foregoing remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-21.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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